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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,036	07/08/2003	Akhlaq Moman	180577-00630WS	9805
31013	7590	09/01/2005	EXAMINER	
KRAMER LEVIN NAFTALIS & FRANKEL LLP INTELLECTUAL PROPERTY DEPARTMENT 1177 AVENUE OF THE AMERICAS NEW YORK, NY 10036			PASTERCZYK, JAMES W	
			ART UNIT	PAPER NUMBER
			1755	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/616,036	Applicant(s) MOMAN ET AL.	
	Examiner J. Pasterczyk	Art Unit 1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7,8,10,11,14-19,21-28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) 27,28 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7,8,10,11,14-19 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1,4,5,7,8,10,11,14-19,21-28 and 30 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This Office action is in response to the amendment filed 6/23/05 and refers to the Office action of 1/18/05.

2. The prior art rejections of the previous Office action are withdrawn due to amendment. However, c.f. below for new formal and prior art rejections made necessary by amendment.

3. In updating the search for this case, the examiner found numerous references by the named inventors of the present application. Applicants are reminded of their duty to disclose under 37 CFR 1.56.

4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: it still lacks the signature of the inventor Khalid Al-Bahily. It appears as if inventor Moman signed for Al-Bahily with no reason given.

5. Claims 1, 4, 5, 7, 8, 10, 11, 14-19 and 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, l. 2, insert --each of a-- after “at least one” to make clear that all three transition metal species are present in the present catalyst composition. In l. 3 change “M₄” to --MX₄--. In l. 4 before “at” at the end of the line insert --and-- for the reason given above. In l. 7, in order for the compound to be a titanate, n cannot equal zero. Insert a comma after “magnesium compound” in l. 8.

In claim 5 begin l. 4 with --an-- simply for grammatical reasons. In claim 14, l. 4, insert a comma after "atom" for the same reason.

In claim 15, correct the spelling in l. 4 of the second compound.

In claim 17, l. 2, insert --organic-- before "polymeric" for clarity.

In claim 23, correct the spelling of the last compound.

6. The examiner informally notes that the formula given for an alumoxane in claim 24 limits the alumoxane to a single aluminum atom, while it is known that in solution alumoxanes are a complex equilibrium mixture of linear, cyclic, and even cage polymeric structures.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 4, 5, 7, 8, 10, 11, 14-19 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shipley, USP 4,496,661 (hereafter referred to as Shipley) in view of Mink et al., USP 6,417,130 (hereafter referred to as Mink) (note filing date) and Hamed et al., USP 6,403,520 (hereafter referred to as Hamed).

Shipley discloses numerous limitations of the invention as claimed (abstract; col. 2, l. 17-55; col. 3, l. 23-60; col. 4, l. 49-51).

Shipley lacks disclosure of combining a metallocene catalyst with the other catalysts as well as use of an organic support.

However, Mink teaches that combination of Ziegler-Natta catalyst components with metallocenes is conventional in the art (abstract; col. 2, l. 46-61; col. 3, l. 34-42; col. 4, l. 55-67;

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col. 5, l. 7-60; col. 6, l. 27-39, l. 60-66). In addition, Hamed teaches that in catalysts having multiple transition metal components it is conventional to use a polymeric organic support (abstract; col. 3, l. 61 to col. 4, l. 18).

It would have been obvious to one of ordinary skill in the art to apply the teachings of Hamed and Mink to the disclosure of Shipley with a reasonable expectation of obtaining a highly-useful olefin polymerization catalyst with the expected benefit of the catalyst providing a polymer with a broad or bimolecular molecular weight distribution.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Pasterczyk whose telephone number is 571-272-1375. The examiner can normally be reached on M-F from 9 to 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached at 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

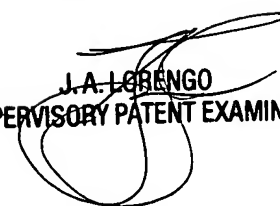
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Pasterczyk

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8/29/05



J. A. LORENZO
SUPERVISORY PATENT EXAMINER